

REMARKS

Claims 1-15 were pending at the time of the Office Action. Claim 15 stands rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Claims 1-4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Keen et al. (Biotechnology in Plant Disease Control (Chet, ed.), pp. 65-88, 1993). Claims 1 and 2 stand rejected under 35 U.S.C. § 103(a) for obviousness over Jaynes et al. (Plant Science 89:43-53, 1993) in view of Daniell et al. (U.S. Patent No. 5,693,507). Claims 1-7 and 11 stand rejected under 35 U.S.C. § 103(a) for obviousness over Keen et al. Claims 8-10 and 12-14 stand objected to as being dependent upon a rejected base claim. Applicants address each of these rejections and objections below.

Claim amendments

The Office states (page 6):

Claims 8-10 and 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 8, prior to the present amendment, depended from claim 1. Claim 8, as amended, corresponds to claim 1 with all features of claim 8 incorporated therein. Claims 9-10 and 12-14 depend from claim 8, or dependent claims thereof, and thus require no amendment. No new matter has been added by the present amendments.

Claims 1-7, 11, and 15 have been cancelled. Applicants note that the present amendments were made solely to expedite prosecution, and Applicants reserve the right to pursue the cancelled subject matter in this or in a continuing application.

Rejection under 35 U.S.C. § 112, first paragraph

Claim 15 stands rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Claim 15 has been cancelled, and therefore this basis for rejection is moot.

Rejection under 35 U.S.C. § 102(b)

Claims 1-4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Keen et al. (Biotechnology in Plant Disease Control (Chet, ed.), pp. 65-88, 1993). Claims 1-4 have been cancelled, and therefore this basis for rejection is moot.

Rejections under 35 U.S.C. § 103(a)

Claims 1 and 2 stand rejected under 35 U.S.C. § 103(a) for obviousness over Jaynes et al. (Plant Science 89:43-53, 1993) in view of Daniell et al. (U.S. Patent No. 5,693,507). Claims 1 and 2 have been cancelled, and therefore this basis for rejection is moot.

Claims 1-7 and 11 stand rejected under 35 U.S.C. § 103(a) for obviousness over Keen et al. Claims 1-7 and 11 have been cancelled, and therefore this basis for rejection is moot.

Allowable subject matter

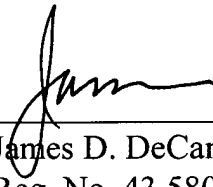
As noted above, claim 8, as amended, is directed to subject matter indicated by the Office to be allowable. Claims 9-10 and 12-14, which depend from claim 8 or dependent claims thereof, are thus in allowable form as well. All rejected claims have been cancelled.

CONCLUSION

Applicants submit that the claims are now in condition for allowance, and such action is respectfully requested. If there are any charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

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James D. DeCamp, Ph.D.
Reg. No. 43,580

Clark & Elbing LLP
101 Federal Street
Boston, MA 02110
Telephone: 617-428-0200
Facsimile: 617-428-7045